

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16508 of Gilbertson Dick, pursuant to 11 DCMR 3103.2, for a variance under Section 404.1 from the minimum rear yard setback requirements; and a variance under Section 405.9 from the minimum side yard setback requirement for a proposed covered walkway to connect the existing single-family dwelling to an existing garage in an R-1-B District at premises 901 Butternut Street, N.W. (Square 2967, Lot 16).

HEARING DATE: October 20, 1999

DECISION DATE: February 2, 2000

DISMISSAL ORDER

The case involved property located in Square 2967, on Lot 16, at premises 901 Butternut Street, N.W. The site is developed with a single-family, detached, dwelling and garage. The Applicant, Gilbertson Dick, is the property owner.

The Applicant proposed to construct a covered walkway to connect the garage and the dwelling. The purpose of the walkway is to allow the Applicant to walk from the dwelling to the garage in inclement weather, without getting wet.

The site is zoned R-1-B. The Zoning Regulations require a minimum rear yard depth of 25 feet; and, a minimum side yard depth of 8 feet, each (Subsections 404.1 and 405.9, respectively.) The Applicant requested zoning relief for 20 feet 5 inches from the rear yard set back requirement. Also, the request included a variance for 4 feet 4 inches from the west side yard set back requirement.

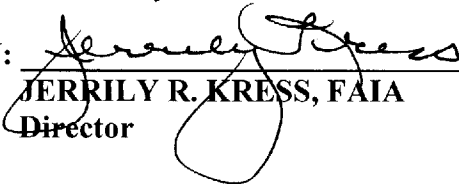
As directed by 11 DCMR 3119.2, the Board required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for variance pursuant to 11 DCMR Subsections 404.1, 405.9 and 3103.2. No person or entity appearing as a party to this case testified at the public hearing. Accordingly, a decision by the Board would not be adverse to any party.

The Board could not determine that a practical difficulty exists at the site. In an effort to assist the Applicant to construct the covered walkway, staff was instructed to review the project. The staff, with the assistance of the Department of Consumer and Regulatory Affairs, has worked with the applicant. With modification of plans, the Applicant will be able to construct the walkway as a matter-of-right.

In light of the foregoing, the Board hereby **ORDERS** that the application be **DISMISSED**.

VOTE: 4-0 (Sheila Cross Reid, Carol J. Mitten, Anne M. Renshaw and Robert Sockwell to dismiss.)

BY ORDER OF THE DC BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: FEB - 8 2000

UNDER 11 3125.9 "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL (10) TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

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BZA APPLICATION NO. 16508

As Director of the Office of Zoning, I hereby certify and attest that on FEB - 8 2000 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Gilbertson Dick
901 Butternut Street, N.W.
Washington, DC 20012

A.M. Mustafa, Chairperson
Advisory Neighborhood Commission 4B
4th District Police Station
523 Somerset Place, NW
Washington, DC 20011

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director